

**United States District Court
Southern District of Texas**

**Lewis Brisbois Bisgaard & Smith §
§ Civil Action No. 4:22-cv-3279
v. §
§
Michael Joseph Bitgood, et al §
§ Jury Demanded**

Beers' Objections to Plaintiff's Proposed Order

Brad Beers gives notice to the Court of his objections to the proposed order submitted by Plaintiff for the Court's consideration:

The proposed date for a second preliminary injunction hearing conflicts with Beers' travel plans to attend the memorial service for his mother.

While the proposed restraining order discussed in Court involved a voluntary agreement by other Defendants, Mr. Beers has never used the name at issue and expressed to the Court and restates here he has no intention or reason to use the name at issue in the future, and requests the Court exclude him from the proposed restraining order and the sweeping findings Plaintiff would propose the Court make.

There is no sworn pleading supporting the issuance of a restraining order.

There was no evidence taken at the preliminary injunction hearing and no exhibits were offered in evidence or admitted.

The proposed expedited discovery schedule is unduly burdensome when considering that the answer date has not passed, counsel has other hearings and

trial settings during the proposed expedited discovery period, and Beers has not retained counsel for this matter at this point.

The proposed order was received indirectly since Plaintiff did not serve it directly and since Beers had not made an appearance by pleading that would have triggered a Pacer electronic service.

Prayer

Wherefore, premises considered, Brad Beers prays the Court not name him in any proposed restraining order, that any discovery schedule be reasonable in view of other litigation commitments of the party, and that any proposed hearing not be held on October 21 due to travel plans for a family matter.

Respectfully submitted,

/s/ *Brad Beers*

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Certificate of Service

This pleading was served on October 7, 2022, on all counsel of record and/or parties via the PACER efile system

/s/ *Brad Beers*

Brad Beers